IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ROBERT LEWIS SMI	ГН,)	
)	
Plai	ntiff,)	
)	1 0-0
v.)	1:07CV737
)	
LEWIS SMITH, et al.,)	
D. 6	1 4())	
Dere	endant(s).)	
		O-R-D-E-R	

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on November 2, 2007, was served on the parties in this action. Plaintiff filed a letter writing which will be construed as objections.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Plaintiff's complaint [Pleading No. 2] be, and the same is hereby, **DISMISSED** as frivolous or malicious or for failing to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B). A Judgment dismissing this action will be entered contemporaneously with this Order.

United States District Court Judge

Date: December 27, 2007